

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IT2004/000121

International filing date (day/month/year)
12.03.2004

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC
A47J27/62

Applicant
BIALETTI INDUSTRIE S.P.A.

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Novelli, B

Telephone No. +49 89 2399-2864



JAP20 Rec'd PCT/PTO 10 AUG 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item:
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. The following document has not been furnished:

- copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
- translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial-applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	11-15, 20
	No: Claims	1-10, 16-19, 22, 23
Inventive step (IS)	Yes: Claims	12-15
	No: Claims	11, 20
Industrial applicability (IA)	Yes: Claims	1-23
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

PCT/IT2004/000121

1) Document **DE-A-4312683** discloses (see in particular col. 4, line 58 - col. 5, line 36; col. 5, lines 48 - 52; col. 5, line 65 - col. 6, line 5; col. 7, lines 15-29) a device for heating liquids (and in particular milk) comprising all independent claim 1 and dependent claims **2-10, 16-19, 22, 23** features.

In particular said document discloses a heating element (11) adapted to reducing the power supplied over time with the increasing temperature of the liquid (see col. 5, lines 32-36). Furthermore it discloses an aluminium thermal diffuser (13) and a thermal sensor (16) to disconnect the heating element upon reaching a pre-determined temperature (see col. 2, lines 50-54), as well as a closing element (Aussengehäuse 18: col. 5, lines 65 - col. 6, line 6) adapted to housing the heating element, the thermal sensor, the thermal diffuser and an electrical connector (20). It discloses also a layer of conductive paste between the heating element and the thermal diffuser and between the thermal diffuser and the bottom (see col. 5, lines 48-52).

The present application does not meet therefore the requirements of Article 33(1) PCT, because the subject-matter of claims **1-10, 16-19, 22, 23** is not new in the sense of Article 33(2) PCT.

2) The additional features disclosed in dependent claims **11, 20** seem to relate merely to constructional measures coming within the scope of the customary practice followed by persons skilled in the art and involving no unexpected effects. Thus, the subject-matter of said claims does not involve an inventive step and does not satisfy the criterion set forth in Article 33(3) PCT.

3) The feature of claim **12** that the thermal sensor is in contact with the container through an aperture in the thermal diffuser is neither disclosed nor suggested in the available state of the art. The subject-matter of dependent claim **12** is therefore new and involve an inventive step over the available state of the art, as well as claims **13-15**, which are dependent on said claim **12**.